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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,682	07/30/2003	Mark Koops	Q76276	6552
23373 7590 10/19/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER MURRAY, DANIEL C	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/629,682

Applicant(s)

KOOPS ET AL.

Examiner

Daniel Murray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27JUL2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27JUL2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 27JUL2007. **Claims 1-10** are now pending in the present application. **This Action is made FINAL.**

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/629682, filed on 29SEP2003.

Drawings

1. The drawings were received on 27JUL2007. The drawings are objected to by the Examiner for the reason(s) cited below.
2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing contain handwritten labels and are considered informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. On page 2 of the amendment Applicant requests the Examiner replace "...eight full paragraph appearing on page 4, ..." in the specification with the amended paragraph. However, this paragraph appears on page 3 of the specification. If this is in error please provide a correction to the amendment listing the proper insertion point of the amended paragraph.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: A NETWORK MANAGEMENT SYSTEM FOR MANAGING NETWORKS AND IMPLEMENTING SERVICES ON THE NETWORKS USING RULES AND AN INFERENCE ENGINE.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-10** are rejected under 35 U.S.C. 102(b) as being anticipated by **Galis et al. (US Patent # 5,175,800)**.

a) Consider **claim 1**, Galis et al. clearly show and disclose, a network management system for implementing a service on a network (abstract, column 5 lines 38-49, column 9 lines 25-30, column 11 lines 23-30), said network management system comprising: means for acquiring policy rules for configuring said service (figure 9 b, abstract, column 5 lines 38-45, column 13 lines 23-33, column 24 lines 8-16, column 32 lines 7-11); means for determining commands corresponding to

said policy rules (column 13 lines 23-33); means for transmitting the determined commands to network elements of the network (abstract, column 5 lines 45-49, column 11 lines 54-60); and means for inferring said policy rules in order to determine said commands (figure 9b, column 13 lines 23-33, column 32 lines 7-11); wherein said policy rules comprise services rules which create a service in the network (column 9 lines 30-45, column 10 lines 39-45, column 46 lines 40-45) and implementation rules (column 14 lines 21-35 lines 38-42, column 17 lines 58-63).

b) Consider **claim 2**, and **as applied to claim 1 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 1, wherein said inference means comprises an inference engine provided in the network management system and external to the network comprising the network elements (figure 9B, abstract, column 13 lines 23-33, column 32 lines 7-11).

c) Consider **claim 3**, and **as applied to claim 1 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 1, wherein said implementation rules comprise at least one of technology rules and equipment rules (figure 9b, figure 9c, abstract, column 14 lines 21-35 lines 38-42, column 17 lines 58-63).

d) Consider **claim 4**, and **as applied to claim 3 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 3, wherein the technology rules model expert know-how and specify how to determine technology to use in the service based on attributes of equipment in the network and attributes of the service (abstract, column 24 lines 8-16, column 42 lines 40-53).

e) Consider **claim 5**, and **as applied to claim 1 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 1, wherein the service rules are provided

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externally from the network management system and wherein the service rules specify conditions and timing for creating the service (figure 9b, column 5 lines 38-45, column 9 lines 30-45).

f) Consider **claim 6**, and **as applied to claim 4 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 4, wherein the technology rules specify which protocol to use for the service based on the attributes of the equipment in the network (column 14 lines 60-67) and wherein the equipment rules model how to select the technology rules based on the attributes of the equipment (column 17 lines 58-63).

g) Consider **claim 7**, and **as applied to claim 1 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 1, wherein the service is implemented via the service rules independently from specifications of equipment and technology specified in the implementation rules (figure 9b, column 9 lines 30-45, column 13 lines 11-17, column 17 lines 58-63) and wherein the implementation rules are dynamically implemented after the determining means determines applicable implementation rules (column 13 lines 21-33).

h) Consider **claim 8**, and **as applied to claim 1 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 1, wherein the service is implemented via the service rules by an operator without requiring specific knowledge of equipment and technology of the network for the service (abstract, column 5 lines 58-61, column 42 lines 40-46).

i) Consider **claim 9**, and **as applied to claim 1 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 1, wherein the implementation rules specify implementation specific details of the service (abstract, column 14 lines 38-42 lines 60-67, column 15 lines 1-7).

j) Consider **claim 10**, and **as applied to claim 1 above**, Galis et al. clearly show and disclose, the network management system claimed in claim 1, wherein the implementation rules specify attributes of the service (abstract, column 14 lines 38-42 lines 60-67, column 15 lines 1-7).

Response to Arguments

7. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Towers et al. (US Patent # 5,692,106) disclose: "System Management Method and Apparatus"

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Murray whose telephone number is (571)-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCM



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